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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,962	03/30/2001	Carl Robert Posthuma	LUC-159/Posthuma 28	3887

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EXAMINER

WAHBA, ANDREW W

ART UNIT

PAPER NUMBER

2661

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/821,962	Applicant(s) POSTHUMA, CARL ROBERT	
	Examiner Andrew W Wahba	Art Unit 2661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 48-51 is/are allowed.
- 6) ☒ Claim(s) 1-13, 17-47 and 52-58 is/are rejected.
- 7) ☒ Claim(s) 4-8, 14-16, 20, 24, 31, 32, 40, 52, 53, 57 and 58 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2001 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

1. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

### ***Claim Objections***

2. Claims 4-8, 14, 20, 24, 40, 52, 53, 57, and 58 are objected to because of the following informalities: With regard to claim 5-7, applicant claims "a second interface that supports at least one of the ISDN telecommunications service and the POTS service" (lines 1-2). Applicant may claim "one" of either "A" or "B" but may not claim "one" of "A" and "B". Claims 4, 6, 8, 14-16, 20, 24, 40, 52, 53, 57, and 58 have a similar problem. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 7-10, 17-47, 56 and 58 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regard to claims 7, 8, 17-32, 33-41, 42-47 and 56-58, the meaning to the term PPM is not clear. Office requests that applicant reference the area(s) of the specification that explain this term.

With regard to claim 9, 26 and 35, the meaning of the term P-Phone service is not clear. Office requests that applicant reference the area(s) of the specification that explain this term.

With regard to claim 10, 36 and 56 the meaning of the term DAML is not understood. Office requests that applicant reference the area(s) of the specification that explain this term.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-7, 11-13, 17, 19-25, 27-30, 33-34, 36, 39-41, 54, 55, and 57 are rejected under 35 U.S.C. 102(e) as being anticipated by Valentine et al (US Patent 6,356,574).

With regard to claims 1, 17 and 33, Valentine et al discloses a line multiplexer 104 (multimode circuit) that supports POTS 106A (POTS), ISDN 106B (ISDN) and various types of DSL 106C-E (xDSL) as illustrated in FIG 3 (column 7, lines 8-21).

With regard to claims 2, 3, 19, 21 and 41, Valentine et al discloses a line multiplexer 104 that supports various types of DSL 106C-E (xDSL / first interface) as illustrated in FIG 3 (column 7, lines 8-21).

With regard to claims 4, 20, 25, 34, 36 and 39, interfaces providing various services operate simultaneously (concomitant) as the various services are coupled in parallel to multiplexer 104 as illustrated in FIG 3 (column 7, lines 8-21).

With regard to claims 5, 22 and 23, Valentine et al discloses a line multiplexer 104 (multimode circuit) that supports POTS 106A (POTS) and ISDN 106B (ISDN) as illustrated by FIG 3, either of which may read on applicant's second interface (column 7, lines 8-21).

With regard to claim 6, 24 and 40, 2B1Q describes an ISDN basic link; therefore, inherent that the ISDN interface disclosed by Valentine would support 2B1Q.

With regard to claim 7, Valentine et al discloses a line multiplexer 104 (multimode circuit) that supports POTS 106A (POTS) as illustrated in FIG 3 (column 7, lines 8-21).

With regard to claim 11, 12, 27 and 28, Valentine et al discloses a processor 66 (automatic mode circuit) coupled to the multiplexer 104 (multimode circuit) that is able to

service a number of subscriber lines (plurality of telecommunication services) (column 7, line 23-27).

With regard to claim 13, 29 and 30, Valentine et al discloses stored algorithms 68 (instructions) (column 7, lines 34-37). The stored algorithms 68 must come from some source (external device).

With regard to claim 54, Valentine et al discloses a line multiplexer 104 that supports various types of DSL 106C-E (first interface/xDSL). The line multiplexer also supports POTS 106A (second interface/ underlying services) and ISDN 106B (second interface/ underlying services), either of which may read on applicant's second interface as illustrated in FIG 3 (column 7, lines 8-21). Valentine et al further discloses a processor 66 (controller) coupled to the multiplexer 104 that is able to service a number of subscriber lines (first and second interface) (column 7, line 23-27).

With regard to claim 55, Valentine et al discloses a line multiplexer 104 that supports various types of DSL 106C-E (xDSL / first interface) as illustrated in FIG 3 (column 7, lines 8-21).

With regard to claim 57, 2B1Q describes an ISDN basic link; therefore, inherent that the ISDN interface disclosed by Valentine would support 2B1Q.

***Allowable Subject Matter***

7. Claims 31 and 32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claims 48-51 allowed. Claims 52-53 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew W Wahba whose telephone number is (571) 272-3081. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth N Vanderpuye can be reached on (571) 272-3078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andrew Wahba *AW*  
September 24, 2004

*Chau T. Nguyen*  
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